

Data Stewardship Program

DS027 – Transparency in Secondary Research

PURPOSE

This document establishes the Census Bureau’s commitment to being transparent in the conduct of its mission, specifically regarding secondary research using survey and administrative or third party data, while meeting its statutory and ethical obligations to protect respondent privacy, confidentiality, and information and systems security.

BACKGROUND

The Census Bureau operates under Title 13 U.S.C.,¹ which mandates the confidentiality of its data. While explicitly exempting information subject to statistical confidentiality from their requirements, several laws require transparency and openness by federal agencies, including the Freedom of Information Act and OPEN Government Data Act. Furthermore, laws such as the Privacy Act and Paperwork Reduction Act codify the American Public’s right to know what data the Federal Government collects from or about them, and how the government will safeguard and use that information.

The Census Bureau has long recognized that respecting these rights is both a legal obligation, and a key to maintaining the public trust. We have institutionalized these obligations through the *Privacy Principles*² that form the backbone of our Data Stewardship Program.

The Census Bureau also recognizes that transparency is a well-recognized best practice among professional and statistical research organizations³, and an operational component in fulfilling our mission “to serve as the nation’s leading provider of quality data about its people and economy.” We follow statistical policy from the Office of Management and Budget (OMB) and adhere to the Foundations for Evidence Based Policymaking Act of 2018. Along with our sister Federal Statistical Agencies, the Census Bureau has stated its commitment to the principle of scientific integrity.⁴ As part of following statistical policy from OMB, the Census Bureau adheres

¹ <https://www.govinfo.gov/content/pkg/USCODE-2009-title13/html/USCODE-2009-title13.htm>

² https://www2.census.gov/foia/ds_policies/ds0pp.pdf

³ Examples include: National Academies of Sciences, Engineering, and Medicine’s *Methods to Foster Transparency and Reproducibility of Federal Statistics: Proceedings of a Workshop*, <https://doi.org/10.17226/25305>, <https://www.nationalacademies.org/our-work/transparency-and-reproducibility-of-federal-statistics-for-the-national-center-for-science-and-engineering-statistics> (in preparation), as well as the American Association for Public Opinion Research’s Transparency Initiative: <https://www.aapor.org/Standards-Ethics/Transparency-Initiative/FAQs.aspx>

⁴ https://www.census.gov/about/policies/quality/scientific_integrity.html

to Statistical Policy Directive No. 1,⁵ and the corresponding guidance in the *Principles and Practices for a Federal Statistical Agency*.⁶

Statistical Policy Directive No. 1 has identified the following four core principles as informing its requirements for Federal Statistical Agencies:

- Relevance to Policy Issues
- Credibility Among Data Users
- Trust Among Data Providers
- Independence from Political and Other Undue External Influence

This policy will serve as a foundational document intended to guide the Census Bureau to be more transparent, as well as align our transparency efforts to those four core principles.

SCOPE

The measures and review criteria referenced in this policy are intended to increase public visibility into the secondary research conducted under the authority of 13 U.S.C.⁷ and the data products that come out of that research. Secondary research is analysis using our existing data holdings such as response data, paradata, or acquired administrative data.

Transparency requirements associated with direct data collections are generally met by the Census Bureau's adherence to requirements in the Paperwork Reduction Act⁸ and Privacy Act⁹ and related guidance issued from OMB. Direct data collections also carry unique additional concerns such as those related to interactions with a respondent and are covered separately by the *Policy on Accepting Reimbursable Projects*.¹⁰

POLICY

Relevance to Policy Issues

A core part of the Census Bureau's mission is ensuring our data are made available for timely, topical, and policy-relevant research. We achieve this goal by producing data products that support use by the statistical research community and the public and partnering with other agencies to do the same. Furthermore, we encourage our staff to pursue approved self-directed statistical research and support external researchers in pursuing answers to new and novel

⁵ Codified at 44 U.S.C. § 3563

⁶ National Academies of Sciences, Engineering, and Medicine, *Principles and Practices for a Federal Statistical Agency: Seventh Edition*, <https://doi.org/10.17226/25885>

⁷ Secondary research conducted under other authorities may carry additional review criteria not outlined here, such as those required under the Federal Policy for the Protection of Human Subjects (Common Rule)

⁸ 44 U.S.C. 3501 et seq.

⁹ 5 U.S.C. §552a (e) (3)

¹⁰DS015: *Policy on Accepting Reimbursable Projects*: https://www2.census.gov/foia/ds_policies/ds015.pdf

statistical research questions. To that end, the Census Bureau is committed¹¹ to supporting the use of its data for any statistical activity¹² that:

1. Has statistical merit;
2. Meets the requirements of 13 U.S.C. § 23(c);
3. Delivers a Title 13 benefit;¹³
4. Is feasible and based in sound methodology;
5. Has a clearly demonstrated need for confidential data;
6. Proposes output that can meet the Census Bureau's statistical disclosure avoidance standards;¹⁴ and
7. Is consistent with and does not pose undue risk to either the mission or reputation of the Census Bureau.

The Census Bureau will be transparent in its project review and approval process and document its decisions thoroughly. The Census Bureau will communicate decisions and any relevant details to the submitter(s). Generally, the Census Bureau will not publicly release details regarding the review process for any particular project; however, the Census Bureau may make the synopsis of the project review available on request.

As necessary, the Data Stewardship Executive Policy Committee (DSEP) may review projects escalated for policy review and make a final determination. For more information, refer to the Handbook for Administrative Data Projects.¹⁵

Credibility among Data Users

The Census Bureau recognizes that transparency in our methods and our decision-making processes is essential to maintaining credibility among our data users.

The Census Bureau will publish all Data Stewardship policies, as well as information about DSEP and its composition, on the external facing Census.gov website.

¹¹ Subject to the availability of resources, funding, and consistency with mission.

¹² While not binding as a Title 13 definition, CIPSEA defines statistical activities as follows: 8) 44 U.S.C. §3501 Sec. 502(7)- the term "statistical activities" — (A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment; and (B) includes the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames.

¹³ DS002: Policy on Title 13 Benefit Statements: https://www2.census.gov/foia/ds_policies/ds002.pdf

¹⁴ DS025: Organization of the Disclosure Review Board: https://www2.census.gov/foia/ds_policies/ds025.pdf

¹⁵ DS001b Handbook for Administrative Data Projects: https://www2.census.gov/foia/ds_policies/ds001_appendices.pdf

The Census Bureau will follow OMB statistical policy for publishing documentation on our data products and methods. These standards will also be reflected in our own statistical quality standards.¹⁶

The Census Bureau acknowledges that a challenge to the to the credibility of research is withheld output. Unless otherwise stipulated by the terms of an agreement, we will not withhold output from internal, joint, or reimbursable research projects¹⁷ for reasons unrelated to statistical quality, statistical validity, or legal constraints. For internal Census Bureau projects, consistent with Department of Commerce Administrative Order 219-1¹⁸, the agency only recognizes four legitimate reasons for not publishing statistical output:

1. The output does not meet the Census Bureau's Statistical Quality Standards;
2. The output is outside the scope of the approved project or approved uses of the data per any applicable agreements;
3. The output consists of intermediate or interim results, or otherwise contains unacceptable error;
4. The output presents an unacceptable disclosure risk as determined by the Census Bureau's Disclosure Review Board.¹⁹

For output that falls under reason 1 above, the Census Bureau may release it upon request or upon deciding that release is in the best interest of the data user community, provided that the release under either circumstance does not present an unacceptable disclosure risk and carries an appropriate disclaimer regarding its quality.²⁰

Regarding external research projects, the Census Bureau recognizes that the publication process can take time and researchers want to present their findings and receive credit for their research. However, as a public agency we have an obligation to be transparent with the public as to the research carried out using our data. Additionally, the Census Bureau realizes the full Title 13 benefit from research that uses our confidential data occurs only when the results have been properly peer reviewed and published in the appropriate disciplinary outlet.

To that end, the Census Bureau will adopt the following measures regarding external projects. The agency will take steps to make basic information on all approved projects and submissions approved by the Disclosure Review Board publicly available, and will make the full content of any output that has passed disclosure review available upon request.

In connection with their Disclosure Review submission, the Census Bureau will require Principal Investigators (PI) on external projects to agree to the following:

¹⁶ https://www.census.gov/content/dam/Census/about/about-the-bureau/policies_and_notices/quality/statistical-quality-standards/Quality_Standards.pdf

¹⁷ Agreements to conduct reimbursable or joint statistical work should include clear, agreed-upon terms regarding data delivery and right to review output prior to publication.

¹⁸ https://www.osec.doc.gov/opog/dmp/daos/dao219_1.html

¹⁹ DS025: Organization of the Disclosure Review Board: https://www2.census.gov/foia/ds_policies/ds025.pdf

²⁰ See Census Bureau Statistical Quality Standards for further detail on the waiver process.

- The PI will endeavor to publish any final output from their research as soon as possible, but preferably within 36 months after passing disclosure review.
- The PI will use the Census Bureau’s recommended citation²¹, including the DRB clearance number, when displaying any data output cleared by the DRB.
- The Census Bureau will attempt to tie the researchers’ presentations or paper citations back to project information the Census Bureau has posted on the web.
- As part of their disclosure review submission, the PI will be provided an opportunity to include the following information which the agency will release along with any information about their project if requested by a third party:
 - The PI’s contact information and affiliation;
 - Whether the output is intended to be interim or final;
 - Instructions to credit or contact the PI in the event the results are released before the PI has had a chance to publish.
 - A reasonable amount of additional information or comments the PI would like to include in any release made by the Census Bureau of their research output.

The Census Bureau recognizes the value of reproducibility, replicability, and peer review in research. The Census Bureau will work to improve our ability to support peer review and replication where possible for our internal, external, and reimbursable research projects.

The Census Bureau will, subject to the availability of funds and resources and the feasibility of the proposed methodology, support external research designed to assess the quality of our data products and programs and recognizes the implicit value to the agency of this work. This support may come in the form of provisioned access to data through the Federal Statistical Research Data Center (FSRDC) network for related external projects, joint statistical partnerships with other agencies, internal project support from outside researchers, and peer review by federal grant administering agencies.

The Census Bureau will pursue partnerships with researchers on the cutting edge of statistical, social, demographic, and economic research. These partnerships offer the Census Bureau the opportunity to explore new methods, create new data products, and provide novel insights into the social and economic wellbeing of the Nation. The Census Bureau is committed to being transparent about these relationships and the types of work they support.

As a statistical research organization, we recognize the value of open innovation. We will support the use of our data for the creation of new and novel data products. When we create experimental data products, we will inform the public of their uses, including supporting research with their release and limitations.

²¹ A Digital Object Identifier (DOI) may serve in place of a recommended citation if appropriate.

Trust Among Data Providers

The Census Bureau recognizes that transparency is critical to maintaining trust between the agency and our respondents and providers of administrative data. To that end, we are committed to meeting obligations under the Privacy Act and the Paperwork Reduction Act to inform the public of the information we collect, the purposes for which we collect that information, and how we protect that information. Furthermore, we will take steps to maintain an accurate, complete, and publicly available data inventory as required under the OPEN Government Act, as well as up-to-date information about what data are available to be requested for use in research.

We are committed to negotiating with our data providers and source agencies using straightforward and clear language so that they fully understand how the Census Bureau will use and safeguard data that they provide to support our programs.

In addition to the Census Bureau's statutory obligations, such as the required publication of System of Records Notices, the agency will take steps to be open and honest with the public about what data we have about them and how we use it. We will be transparent about the data we collect, our data linkage activities,²² and secondary uses of collected data.²³ Further, we will continue to share our research activities as openly and in as much detail as possible, and will share information with the public regarding new and novel data collection and analysis techniques the agency will be using.

Independence from Political and Other Undue External Influence

The Census Bureau recognizes the important role of transparency in limiting any undue political or other external influences in the fulfillment of our mission and the publication of dependable unbiased statistics.

Consistent with law and existing policy, projects must be approved before any access is granted to confidential data. Unless prohibited by law,²⁴ or otherwise inconsistent with legal, policy, or regulatory requirements,²⁵ the Census Bureau will release information about any approved project that uses Census Bureau data to the public upon request. The agency will continue to take proactive steps to make information about all our internal and external projects publicly available, though currently program areas may approach this mandate differently.²⁶

²² DS014: Data Linkage Policy: https://www2.census.gov/foia/ds_policies/ds014.pdf

²³ DS001a: Administrative Data Acquisition, Access, and Use Policy:

https://www2.census.gov/foia/ds_policies/ds001.pdf

²⁴ For example, certain project metadata may be protected by Title 26 U.S.C.

²⁵ For example, researchers may have certain legally-enforceable intellectual property rights related to their methodology.

²⁶ Examples include the CES Annual Report: <https://www.census.gov/programs-surveys/ces/library/ces-annual-report.html>, the ADRM Linkage Projects Site: <https://www.census.gov/about/adrm/linkage/projects.html>, and information on external projects using Census Bureau data in the FSRDCs <https://www.census.gov/about/adrm/fsrdc/about/ongoing-projects.html>

Any custom tabulations or extracts will be disclosed in accordance with the *Policy on Providing Custom Tabulations and Custom Extracts Under 13 U.S.C. § 8(b)*.²⁷

The Census Bureau may at times engage external subject matter experts to support the project review process. However, only career Census Bureau staff may make final determinations regarding adherence to the seven criteria listed under *Relevance to Policy Issues* above. DSEP is the final arbiter of any disagreement about adherence to the criteria.

The Census Bureau has the discretion to reject any project that presents a specific risk to the mission or reputation of the Census Bureau. The onus is on the Census Bureau alone to determine whether that risk outweighs the potential public benefit of the project. The Census Bureau will make it clear to the researcher that the project was rejected on these grounds and they will be permitted to appeal the decision to DSEP.

IMPLEMENTATION

Program areas are to take the general guidance offered in this policy and integrate it where possible into their own policies and procedures.

In general, all Census Bureau program areas should take steps to improve the visibility and transparency of the secondary research they support or conduct.

The Census Bureau will develop a communication strategy to accompany this policy. This strategy will provide valuable information about our transparency efforts to federal, state, and local entities, academic partners, and future data users.

LEGAL AUTHORITIES

Title 13 U.S.C.

Title 26 U.S.C.

44 USC Section 3563

Privacy Act

Paperwork Reduction Act

OPEN Government Data Act

Foundations for Evidence Based Policymaking Act of 2018

POLICY OWNER

This policy is owned by the Policy Coordination Office.

²⁷ https://www2.census.gov/foia/ds_policies/ds021.pdf

SIGNATURE

By Direction: _____ Date: _____

Ron Jarmin

Chair, Data Stewardship Executive Policy Committee

Summary Information	
Policy Title:	DS027 – Transparency in Secondary Research
Date Signed:	
Last Reviewed:	
Intended Audience:	All staff and external SSS researchers
Policy Owner:	Policy Coordination Office
Office Responsible for Implementation:	All Program Areas
Office Responsible for Dissemination:	Policy Coordination Office
Stakeholder Vetting:	PCO, CED, CES, ADRM, ADDC, SEHSD, ERD, OGC